



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/577,926  | 05/01/2006  | Shinya Abe           | 2006_0661A          | 6854             |
| 53349 7590 12/10/2008<br>WENDEROTH, LIND & PONACK L.L.P.<br>2033 K. STREET, NW<br>SUITE 800<br>WASHINGTON, DC 20006 |             |                      |                     |                  |
| EXAMINER  |             |                      |                     |                  |
| CHU, KIM KWOK   |             |                      |                     |                  |
| ART UNIT  |             | PAPER NUMBER         |                     |                  |
| 2627  |             |                      |                     |                  |
| MAIL DATE   |             | DELIVERY MODE        |                     |                  |
| 12/10/2008  |             | PAPER                |                     |                  |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/577,926

**Applicant(s)**

ABE ET AL.

**Examiner**

Kim-Kwok CHU

**Art Unit**

2627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on Amendment filed on 7/29/2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 44 and 45 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 44 and 45 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 5/1/2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB08)
- Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

*Response to Remarks*

1. Applicant's Remarks filed on July 29, 2008 have been fully considered. Claims 1-43 have been cancelled. The new Claims 44 and 45 are anticipated by a newly found prior art of Shoji et al. (U.S. Patent 6,973,020).

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

*A person shall be entitled to a patent unless -  
(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.*

3. Claims 44 and 45 are rejected under 35 U.S.C. § 102(e) as being anticipated by Shoji et al. (U.S. Patent 6,973,020).

4. Shoji teaches an information recording medium having all of the structures as recited in claims 44 and 45. For example, Shoji teaches the following:

(a) with respect to Claim 44, the information recording medium 100 for having information recorded thereto according to a wobble formed (Fig. 4) thereon and according to one of a

Art Unit: 2627

groove-recording system and a land-recording system and for having information reproduced therefrom (Fig. 4; groove tracks and land tracks are formed in a plurality of layers), the information being recorded thereto and reproduced therefrom using an incident laser beam (Figs. 5 and 6; step S602), the information recording medium comprising: land track 201, 301 (Fig. 4) configured to have information recorded thereto; and a groove track 202, 302 (Fig. 4) located adjacent to the land track and closer to the incident laser beam than the land track and configured to have information recorded thereto (Fig. 1; laser light beam is irradiated from under the medium 100 and land tracks are higher than groove tracks), wherein, when information is recorded to a recording track, being one of the land track and the groove track, the information is recorded according to a wobble formed on the recording track (Fig. 4; tracks are wobbling shape), wherein, when the information is recorded onto the recording track of the information recording medium 100 according to the groove-recording system, a physical direction toward which the wobble formed on the recording track 202 starts a first wobble deviation is a mirror reverse of a situation when the information is recorded onto the recording track 301 of the information recording medium according to the land-recording system (Fig. 4; tracks 202 and 301 are mirror

Art Unit: 2627

image of each others), wherein, when the information is recorded onto the recording track of the information recording medium according to the land recording system 301, the physical direction toward which the wobble formed on the recording track starts the first wobble deviation is a mirror reverse of a situation when the information is recorded onto the recording track 202 of the information recording medium according to the groove-recording system (Fig. 4; tracks 202 and 301 are mirror image of each others), and wherein a polarity of a wobble signal representing the wobble formed on the recording track of the information recording medium according to the groove-recording system 202 is identical to a polarity of a wobble signal representing the wobble formed on the recording track 301 of the information recording medium according to the land-recording system (Fig. 5; wobble polarities at the start position of either groove track or land track are the same; column 10, lines 49-61).

(b) with respect to Claim 45, the information is reproduced from the groove track 202, 201 by tracking on the groove track when the information is recorded to the information recording medium according to the groove-recording system, and wherein the information is reproduced from the land track 201, 301 by tracking on the land track when the information is

Art Unit: 2627

recorded to the information recording medium according to the land- recording system (Figs 4 and 5).

### ***Related Prior Art***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Miyamoto (6,690,641) is pertinent because Miyamoto teaches an optical disc having land and groove tracks.

Minamino et al. (6,577,590) is pertinent because Minamino teaches an optical disc having land and groove tracks.

***6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).***

***A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.***

Art Unit: 2627

7. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Kim CHU whose telephone number is (571) 272-7585 between 9:30 am to 6:00 pm, Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa Nguyen, can be reached on (571) 272-7579.

The fax number for the organization where this application or proceeding is assigned is (571) 273-8300

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished application is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9191 (toll free).

/Kim-Kwok CHU/

Examiner AU2627

November 24, 2008

(571) 272-7585

/HOA T NGUYEN/

Supervisory Patent Examiner, Art Unit 2627